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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q64931

Jerome MLYNARCZYK, et al.

Appln. No.: 09/888,449

Group Art Unit: 2191

Confirmation No.: 9665

Examiner: S. RAMPURIA

Filed: June 26, 2001

For: METHOD OF MANAGING INFORMATION IN JAVA

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

09/01/2005 JADD01 00000030-09888449

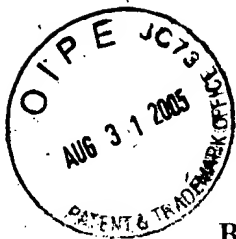
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Table of Contents

I. REAL PARTY IN INTEREST	2
II. RELATED APPEALS AND INTERFERENCES.....	3
III. STATUS OF CLAIMS	4
IV. STATUS OF AMENDMENTS	5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER	6
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	7
VII. ARGUMENT	8
CLAIMS APPENDIX.....	12
EVIDENCE APPENDIX:.....	NONE
RELATED PROCEEDINGS APPENDIX.....	NONE

09/01/2005 JADD01 00000030-09888449 500.00 00 01 FC:1402



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In re application of

Docket No: Q64931

Jerome MLYNARCZYK, et al.

Appln. No.: 09/888,449

Group Art Unit: 2124

Confirmation No.: 9665

Examiner: S. RAMPURIA

Filed: June 26, 2001

For: METHOD OF MANAGING INFORMATION IN JAVA

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 31, 2005

I. REAL PARTY IN INTEREST

Based on the information supplied by the Appellants, and to the best of Appellants' legal representative's knowledge, the real party in the interest is the assignee, ALCATEL. The Assignment was recorded on November 21, 2001 at Reel 012317, Frame 0211.

II. RELATED APPEALS AND INTERFERENCES

Appellants, as well as Appellants' assigns and legal representatives, are unaware of any appeals or interferences which will be directly affected by, or which directly affect or have a bearing on, the Board's decision in the pending case.

III. STATUS OF CLAIMS

Claims 1-3 are pending in the application, have been finally rejected, and are the subject of this appeal. Claims 1-3, as finally rejected and appealed, are set forth in the Appendix.

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by UK Patent Appln. No. GB 2326255A to Kaminsky et al. (hereinafter “Kaminsky”).

Claim 2 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaminsky in view of Ando (U.S. Patent No. 6,678,715).

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final office action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention provides, in an exemplary embodiment, a method of managing information in a distributed system including at least one local system (Fig. 4, Cl) and at least one remote system (Fig. 4, S) and using a remote invocation method of the JAVA language, said language including instructions and enabling creation of objects from classes of belonging having hierarchical relations between them, which method includes defining *in the local system* classes (PA, PB) replicating the hierarchy of classes *in the remote system* and including means of access to said classes (A, B) *in the remote system* in order to enable use *in the local system* of instructions specific to classes defined in the remote system. *See page 5, line 30 - page 7, line 2.*

In another exemplary embodiment of the present invention, there is provided a distributed information management system including at least one local system (Fig. 4, Cl) and at least one remote system (Fig. 4, S) including a plurality of interfaces and using a remote method invocation mechanism of the JAVA language, said language including instructions and enabling creation of objects from classes of belonging, wherein the local system includes a “proxy” for each interface and said proxy is defined to enable use in the local system of instructions specific to the interfaces defined in the remote system. *See page 5, line 30 - page 7, line 2.*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kaminsky.

2. Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaminsky in view of Ando.

VII. ARGUMENT

- A. *Claim 1 is not anticipated by Kaminsky. Kaminsky does not disclose at least, “[a] method of managing information in a distributed system ...includes defining in the local system classes replicating the hierarchy of classes in the remote system... .”*

With respect to independent claim 1, Appellants submit that Kaminsky fails to disclose or suggest the unique combination of features recited in claim 1 and, thus, fails to anticipate claim 1. For example, Kaminsky fails to disclose or suggest any replicating of a hierarchy of classes. Instead, Kaminsky describes that classes are distributed to one location or to another, which does not correspond to locally replicating a full hierarchy of classes defined remotely in order to enable local use thereof.

In response to the argument above, the Examiner alleges the following, in the Office Action dated November 30, 2004:

Regarding the limitation replicating a hierarchy of classes, Kaminsky does provide replicating of object by identifying and determining the objects residing on the first and second computer (page 2, lines 30-40). Applicants make general allegations and does not point out any error in the Office Action. Therefore, the rejection is proper and maintained herein.

In response, Appellants submit that the portion of Kaminsky cited by the Examiner in the paragraph above supports Appellants’ argument that Kaminsky describes that classes are distributed to one location or to another. That is, the above-cited portion of Kaminsky describes: 1) determining which objects are to reside on a first computer and a second computer, and 2) generating a first proxy for the first computer and a second proxy for the second computer for the respective objects that may accessed from a remote computer (i.e., classes are distributed to one location or another). Kaminsky, however, does not specifically teach or suggest the limitation of, “defining in the local system classes replicating the hierarchy of classes in the remote system and including means of access to said classes in the remote system in order to enable use in the

local system,” as recited in claim 1. Therefore, Appellants maintain that Kaminsky fails to disclose or suggest the unique combination of features recited in claim 1 (including the above-quoted limitation) and, thus, fails to anticipate claim 1.

Also, in the Continuation Sheet attached to the Advisory Action dated May 2, 2005, the Examiner alleges that the limitation “replicating of a hierarchy of classes” is disclosed in Kaminsky at page 10, second paragraph. Further, the Examiner believes that a hierarchy of classes in a remote system is inherent to Kaminsky. The Examiner further adds that the RMI call has to search through the directory of classes (e.g., hierarchy of classes) that are present on the remote system.

In response, Appellants submit that the Examiner has utilized impermissible hindsight reasoning in developing the conclusions set forth in the paragraph above, as nowhere does Kaminsky disclose or even mention replicating a hierarchy of classes. Also, Appellants respectfully point out that the RMI call mentioned by the Examiner does NOT have to search through a directory of classes, but Kaminsky simply shows that a method call from an object Y is passed to a first proxy X’, then to a second proxy X”, and then to a class X; but there is no such showing of a search through a directory of classes, contrary to the Examiner’s assertion. Therefore, at least based on the foregoing, Appellants maintain that Kaminsky fails to disclose or suggest the unique combination of features recited in claim 1 and, thus, fails to anticipate claim 1.

B. Claim 3 is not anticipated by Kaminsky. Kaminsky does not disclose at least, “wherein the local system includes a ‘proxy’ for each interface and said proxy is defined to enable use in the local system of instructions specific to the interfaces defined in the remote system.”

With respect to independent claim 3, Appellants submit that Kaminsky fails to disclose or suggest the unique combination of features recited in claim 3 and, thus, fails to anticipate claim 3. For example, Kaminsky fails to disclose or suggest a local system that includes a “proxy” for

each interface of a remote system. To the contrary, Kaminsky describes an interface X” interface of proxy X”, which is a proxy for an object X of a distributed program (Kaminsky: Abstract; page 8, lines 34-36; and Fig. 1), which does not correspond a local proxy for a remote interface.

In response to the argument above, the Examiner alleges, in the *Response to Arguments* section on page 6 of the Office Action dated October 30, 2004, and without citing any support in Kaminsky, that “Kaminsky does provide accessing remote programmed methods to proxies which reside locally on the computer.” The Examiner further alleges that, “Applicant only makes general allegations [that] do not point out any errors in the rejection.” In response, Appellants maintain the previously submitted arguments, and submit that the only general allegations that are being made, are being made by the Examiner. For example, on page 6 of the present Office Action, the Examiner generally states what Kaminsky allegedly teaches, without any support in the reference itself. Further, as set forth in the paragraph above, Appellants have submitted specific arguments regarding the patentability of claim 3 over Kaminsky, however, the Examiner has not done the same.

Yet further, the Examiner alleges in the Continuation Sheet attached to the Advisory Action that page 8, lines 20-40 and page 7, lines 25-35 of Kaminsky support his assertions, however nowhere does these cited portions of Kaminsky disclose or suggest at least, “*wherein the local system includes a “proxy” for each interface and said proxy is defined to enable use in the local system of instructions specific to the interfaces defined in the remote system,*” as recited in claim 3.

Therefore, at least based on the foregoing, Appellants submit that Kaminsky does NOT anticipate claim 3.

C. Claim 2 would not have been obvious, within the meaning of § 103(a), over Kaminsky.

Appellants submit that claim 2 is patentably distinguishable over Kaminsky and Ando at least by virtue of its dependency from independent claim 1. Ando does not make up for the deficiencies of Kaminsky.

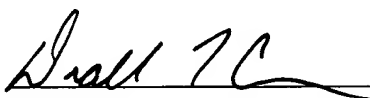
D. Conclusion

Appellants submit that, at least based on the foregoing, the present invention, as recited in each of claims 1-3, is patentably distinguishable over the applied references either alone or in combination.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: August 31, 2005

CLAIMS APPENDIX

CLAIMS 1-3 ON APPEAL:

1. A method of managing information in a distributed system including at least one local system and at least one remote system and using a remote invocation method of the JAVA language, said language including instructions and enabling creation of objects from classes of belonging having hierarchical relations between them, which method includes defining in the local system classes replicating the hierarchy of classes in the remote system and including means of access to said classes in the remote system in order to enable use in the local system of instructions specific to classes defined in the remote system.

2. A method according to claim 1, wherein one of the instructions is a “horizontal casting” instruction.

3. A distributed information management system including at least one local system and at least one remote system including a plurality of interfaces and using a remote method invocation mechanism of the JAVA language, said language including instructions and enabling creation of objects from classes of belonging, wherein the local system includes a “proxy” for each interface and said proxy is defined to enable use in the local system of instructions specific to the interfaces defined in the remote system.